

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SALAHUDDIN SHABAZZ : CIVIL ACTION
:
v. :
:
DELAWARE COUNTY CONSTABLES, :
et al. : NO. 05-2861

M E M O R A N D U M

GILES, CH. J. SEPTEMBER , 2005

Plaintiff, an inmate at the George W. Hill Correctional Facility, is seeking to bring a civil action without prepayment of fees. In his complaint,¹ plaintiff alleges that the defendants denied him access to court for a criminal hearing.

Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

Plaintiff has on "three or more prior occasions while incarcerated" filed civil actions in this Court which were dismissed as frivolous.² Furthermore, neither plaintiff's

1. Plaintiff also filed an amended complaint in which he raises an additional claim of denial of access to court.

2. The three most recent civil actions filed by plaintiff which were dismissed are as follows: (1) Civil Action No. 96-2858 was dismissed as frivolous by order of this Court dated May 7, 1996; (2) Civil Action No. 96-2482 was dismissed as frivolous by order of this Court dated July 9, 1996; and (3) Civil Action No. 96-

(continued...)

original complaint nor his amendment thereto contain anything to suggest that he was in imminent danger of serious physical injury at the time that this action was filed.

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied. An appropriate order follows.

2. (...continued)
2430 was dismissed as frivolous by order of this Court dated April 19, 1996.

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O R D E R

AND NOW, this day of September, 2005, in
accordance with the accompanying memorandum, **IT IS HEREBY ORDERED**
that plaintiff's motion for leave to proceed in forma pauperis is
DENIED pursuant to 28 U.S.C. § 1915(g).

BY THE COURT:

/S/ JAMES T. GILES, CH. J.

